

DONALD G. MORASH, JR.
CHAIRMAN



SCOTT AVEDISIAN
MAYOR

CITY OF WARWICK
ZONING BOARD OF REVIEW
WARWICK, RHODE ISLAND 02886
(401) 738-2000

WARWICK ZONING BOARD OF REVIEW
MINUTES OF THE JUNE 14, 2016 MEETING

A regular hearing of the Warwick Zoning Board of Review was held on Tuesday, June 14, 2016 at 6:00 P.M. in the Warwick City Council Chambers, Warwick City Hall, 3275 Post Road, Warwick, Rhode Island. The meeting was called to order by Chairman Donald Morash.

The Secretary called the roll and noted the following members present:

Donald Morash, Chairman
Mark McKenney
Julie Finn
Paul Wyrostek
Everett O'Donnell
Richard Corley – Absent
Beverly Sturdahl - Absent

Also present: Diana Pearson, Asst. City Solicitor
Richard Crenca, Warwick Planning Department
Deborah Hafferty, Secretary
Mary Ellen Hall, Stenographer

The Chairman declared a quorum.

The Chairman asked for a motion to approve the minutes from the May 10, 2016 hearing. A motion was made by Everett O'Donnell, seconded by Mark McKenney and passed unanimously by the Board that the minutes be accepted.

The Chairman asked if there were any petitions to be withdrawn or continued.

Petition #10389

Ward 6

Pinehurst Avenue

The petition of Barbara Lancia, 116 Sea View Drive, Warwick, RI and William Fooks, 831 Bald Hill Road, Warwick, RI for a request for a dimensional variance to construct a 26' x 40' single family dwelling with a 10' x 20' deck on subject property, subject property being an undersized non-conforming lot, having less than required frontage and lot

width, northerly side of Pinehurst Avenue, Warwick, RI, Assessor's Plat 360, Lot 359, zoned Residential A-7.

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Sanford Resnick, Esq., was present representing the petitioner.

Richard Crenca from the Planning Department read his recommendations into the record.

Mr. Edward Pimental was present to testify on behalf of the applicant. Mr. McKenney made a motion to accept Mr. Pimental as an expert, seconded by Paul Wyrstek and passed unanimously by the Board to accept Mr. Pimental as an expert.

Mr. Pimental submitted a spreadsheet analysis of the subject and surrounding lots, submitted as Petitioner's Exhibit #1. Mr. Pimental advised this is a pre-existing substandard lot of record, which fits into the unique character of the neighborhood.

The relief sought is the least relief necessary for it is directly resulting from conditions that are beyond the control of the applicant. The Comprehensive Plan acknowledges that there are numerous substandard lots situated throughout the City and yet realizes that many of these lots are legally capable of supporting residential development.

Mr. Resnick reserved the right to make any further comments if there were any questions regarding this petition. The applicant is agreeable with all of the stipulations that were recommended by the Planning Department.

The Chairman asked if there was anyone in opposition or in favor of the petition. There being none, Everett O'Donnell moved to grant the petition due to the fact it is a legal non-confirming lot, has its own unique characteristics and will add to the value of the neighboring lots and neighborhood. The motion was seconded by Ms. Finn and passed unanimously by the Board that the petition be GRANTED.

Petition #10380

Ward 9

316 Love Lane

The petition of Robert Catanzaro & Marjorie Catanzaro, 316 Love Lane, Warwick, RI, for a request for a dimensional variance to subdivide subject property into two parcels, one lot having less than required frontage and lot width, one lot containing an existing single-family dwelling and a legal pre-existing guest house, easterly side of Love Lane (316), Warwick, RI, Assessor's Plat 222, Lot 156, zoned Residential A-40.

Richard Crenca from the Planning Department read his recommendations into the record.

The Chairman has filed a Statement of Conflict of Interest, pursuant to R.I. General Laws, Section 36-14-6, indicating that he believes he would be able to participate failure, objectively and in the public interest regarding the matter. If he recused himself there would not be a quorum and he did not feel he would not be fair in the procedure.

Andrew Catanzaro was present for this petition.

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Joseph Brennan, Esq., was present representing the petitioner.

Mr. Brennan indicated the applicant has been working with the Planning Board for quite some time regarding this subdivision. The applicant is seeking a variance for lot frontage and lot width. The new proposed lot will be 87 sq. ft. of frontage, and the remaining lot with the dwelling on it has 185 ft. of frontage. Frontage required in an A-40 zone is 150 ft. The applicant could have moved the property line to provide an extra 35 ft. to the 87 sq. ft., and after speaking with the Planning Department, it was preferred to stay with the 87 sq. ft. as there are two existing dilapidated stone walls on the property, and it was asked that it stay consistent with the property lines so it is easily seen from the road in the distance.

The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land which is also why they are showing less frontage. The hardship is not due to any prior action of the applicant and will not alter the general characteristics of the surrounding area. Both lots will be well above what is required in an A-40 zoning district. The relief sought is the least relief necessary.

Mr. Brennan advised the applicant is agreeable with all of the stipulations that were recommended by the Planning Department

The Chairman asked if there was anyone in opposition or in favor of the petition. There being none, Everett O'Donnell stated that this is a reasonable request and with the size of the lot, it would be nice to have two people paying taxes rather than one person, together with the Stipulations from the Planning Department, he made a motion to grant this variance, seconded by Paul Wyrostek and passed unanimously by the Board that the petition be GRANTED.

Petition #10384

Ward 9

3803 Post Road

The petition of Home Loan Investment Bank, FSB, One Home Loan Plaza, Warwick, RI, for a request for a special use permit to convert existing structure on subject property to a bank with a drive-up ATM, teller assisted ATM inside bank with other office use. Also seeking a use variance for the construction of one (1) LED sign to indicate time/temperature only, and seeking a dimensional variance for less than required front yard setback for sign, less than required landscaping buffer on frontage, less than required 10' landscaped border abutting residential district, less than minimum 20% landscape open space, and relief for existing curb cuts, westerly side of Post Road (3803), Warwick, RI, Assessor's Plat 236, Lot 18, zoned Office

Richard Crenca from the Planning Department read his recommendations into the record.

Daniel Flaherty, Esq., was present representing the petitioner.

Brian Murphy, 55 Joseph Court, Warwick, RI was also present. Mr. Murphy was sworn in by the Chairman.

Mr. Murphy discussed with the Board that there will a drive-thru with an ATM, with no light or sound pollution coming from the property.

Mr. Flaherty indicated that the special use permit being requested is only for the drive-up ATM for the bank. The lot has been vacant for many years and has been an eyesore for the area. This will be a great improvement to the property. The relief being sought is the least relief necessary. There will be no change to the footprint of the building. The drive-thru is existing from the previous dry-cleaner use. Street trees will be added along the road where currently there is none.

The interior of the building will be utilized for office space.

The sign will be limited for time and temperature only.

The Chairman asked if there was anyone in opposition or in favor of the petition.

Mr. Norman H. Poppe, 43 Cowesett Road, Warwick, RI. He resides at the property directly behind the building and his concern is regarding the fence, which is approximately 54 feet, that is between the two properties and in disrepair.

Mr. Flaherty indicated the fence will be maintained, maybe even replaced with a new one.

There being no other objections, Mark McKenney stated that it would be an improvement to the area, the application is straight-forward and in light of the willingness to agree to the stipulations by the Planning Department and the stipulation to replace the fence, he moved to grant the petition, seconded by Everett O'Donnell and passed unanimously by the Board that the petition be GRANTED

Petition #10385

Ward 3

45 Access Road

The petition of Veissmann Manufacturing Company (US) Inc., 45 Access Road, Warwick, RI, for a request for a use variance for construction of two (2) digital LED signs, one (1) sign to be 12' x 12.5' (150 sq.), and one (1) sign to be 23' x 6.5' (149.50 sq. ft.), for a total of 216 sq. ft., along the north and west face of the existing building, and also seeking a dimensional variance for the maximum permitted signage, northerly side of Access (45) Road, Warwick, RI, Assessor's Plat 280, Lot 10, zoned General Industrial.

Richard Crenca from the Planning Department read his recommendations into the record.

Joseph Brennan, Esq. was present representing the petitioner.

Brian Evans, 132 Wood Cove Drive, Coventry, RI was in attendance. Mr. Evans is the Chief Technology Officer for Global Techtonics.

Mr. Brennan submitted a Digital Signage Analysis report prepared by Mr. Edward Pimental, which was submitted as Petitioner's Exhibit #1.

Mr. Brennan stated that the petitioner has been working extensively with the Rhode Island Dept. of Transportation, being as the property is along I-95 the State has jurisdiction as well as certain regulations and standards that need to be met. Mr. Brennan has submitted two letters dated May 9, 2016 and May 11, 2016 which were submitted as Petitioner's Exhibit #2. These letters state that the Dept. of Transportation is approving the signs that are being presented to the Zoning Board. The clients are agreeable to both the State's stipulations as well as the Planning Department's stipulations.

Mr. Brennan stated that the subject property is the U.S. Headquarters for Veissman Manufacturing. They are celebrating their 100 anniversary, and their business requires them to have the start of the art technologies for everything they do. In doing that, they want to show everyone that they are ahead of the times and the number one company. They would like to stay in Warwick at this location. The location of the building is on a back access road, and you will never drive by the building unless you are visiting the business or driving down I-95.

The applicant is seeking a request for a variance for larger signage so the business can be seen. The signs will have the best possible technology that exists for signs. There is an existing sign on the building that will stay, in addition to the two proposed signs.

The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land because of how the building faces. The hardship is not the result of any prior action of themselves and will not alter the general characteristics of the surrounding area as this is a General Industrial area. The relief sought is the least relief necessary.

The applicant decided to scale down the size of the original proposal after speaking with the R.I. Department of Transportation as well as the Planning Department.

Mr. Brennan advised the applicant is agreeable with all of the stipulations that were recommended by the Planning Department

The Chairman asked if there was anyone in opposition or in favor of the petition. There being none, Everett O'Donnell stated that this is a reasonable request and that the Department of Transportation has no problems with the request, and that the applicant is agreeable with the stipulations from the Planning Department and the Department of Transportation, he made a motion to grant this variance, seconded by Mark McKenney and passed unanimously by the Board that the petition be GRANTED.

Petition #10386

Ward 4

10 Royal Avenue

The petition of Keith Strickland, 10 Royal Avenue, Warwick, RI, for a request for a dimensional variance to legalize location of existing deck, having less than required setback from the coastal feature, subject property being a pre-existing non-confirming lot, southerly side of Royal Avenue (10), Warwick, RI, Assessor's Plat 317, Lot 257, zoned residential A-15.

Mary Shekarchi, Esq. was present representing the applicant.

Keith Strickland, owner of the property, was present.

Ms. Shekarchi stated that the applicant purchased the property in 2013, and the deck was existing. A site plan of the property which shows the elevation of the deck was submitted as Petitioner's Exhibit #1.

It was stated that the applicant then constructed an addition to the existing deck, which does not meet the setback requirement from the coastal feature. The applicant received a Notice of Violation from the City that there was not a building permit for the construction of the deck.

The applicant has received approval from CRMC. Mr. Strickland has spoken with the immediate abutters of his property, who have reviewed the proposal have no objections. Ms. Shekarchi submitted letters from Arthur & Susan Johanson, 2 Royal Avenue, submitted as Exhibit #2, Agostino Petrucci, 1 Grace Avenue, submitted as Exhibit #3 and Mr. George Pesce, 62 Bellman Avenue, submitted as Exhibit #3.

The Chairman asked if there was anyone in opposition or in favor of the petition. There being none, Paul Wyrostek made a motion to grant this variance, seconded by Mark McKenney and passed unanimously by the Board that the petition be GRANTED.

Petition #10387

Ward 5

18 Warren Avenue

The petition of Melissa Groff, 18 Warren Avenue, Warwick, RI, for a request for a dimensional variance to construct a 10' x 13' bedroom addition on an existing single family dwelling, addition having less than required side yard setbacks, southerly side of Warren Avenue (18), Warwick, RI, Assessor's Plat 358, Lots 417 & 424, zoned Residential A-7.

Richard Crenca from the Planning Department read his recommendations into the record.

Melissa Groff and Kevin Groff, owners of the property, were present.

The Chairman asked the applicants if they understood the Planning Departments stipulations, wherein the two lots need to be merged together, which the applicants are agreeable to doing.

After discussion, the Chairman asked if there was anyone in opposition or in favor of the petition. There being none, Everett O'Donnell stated that this is a reasonable request and that the applicant is agreeable to the Planning Department's stipulation, he moved to grant this variance, which was seconded by Paul Wyrostek and passed unanimously by the Board that the petition be GRANTED.

Petition #10388

Ward 6

41 Sagamore Street

The petition of Stephen J. Andreozzi & Pauline Andreozzi, 41 Sagamore Street, Warwick, RI, for a request for a dimensional variance to place a wooden gazebo on subject property with less than required side yard setbacks, subject property being an undersized non-confirming lot, westerly side of Sagamore St. (41), Warwick, RI, Assessor's Plat 375, Lot 234, zoned Residential A-7

Christopher Zangari, Esq., was present representing the applicant.

Stephen Andreozzi, owner of the property, was present.

The applicant is seeking side yard setbacks for a gazebo that was constructed. A building permit has been filed and is pending at this time.

Mr. Andreozzi was sworn in by the Chairman. The applicant stated the gazebo was completed last November, 2015 and was not aware that he needed a building permit, nor needed to meet setbacks from the property line.

After discussion, the Chairman asked if there was anyone in opposition or in favor of the petition. There being none, Mark McKenney stated that this is a reasonable request and is in keeping with the general area and moved to grant this variance, which was seconded by Paul Wyrostek and passed unanimously by the Board that the petition be GRANTED.

Petition #10390

Ward 9

33 Weymouth Lane

The petition of William Connor, 33 Weymouth Lane, Warwick, RI, for a request for a dimensional variance to expand mudroom and half bath on first floor and construct a 27'6" x 12' porch, proposed porch having less than required front yard setback, northerly side of Weymouth Lane (33), Warwick, RI, Assessor's Plat 222, Lot 147, zoned Residential A-10

Keith Briggs, 4 Frank Avenue, West Kingstown, RI, Project Manager with Davitt Design Build, in attendance representing the applicant.

Mr. Briggs stated he has been engaged to construct a mudroom and half bath expansion and is seeking relief from the front yard of 3.3 ft. The subject property is a cul-de-sac that was developed in 2008. The idea of constructing the expansion is to square off the existing. Attempting to keep with the integrity of the columns that are on the house currently.

There being no further discussion, the Chairman asked if there was anyone in opposition or in favor of the petition. There being none, Everett O'Donnell stated that this is a minor request and will enhance the property and moved to grant this variance, which was seconded by Julie Finn and passed unanimously by the Board that the petition be GRANTED.

Petition #10391

Ward 5

45 Boylston Street

The petition of Nathan Nava & Corin Nava, 45 Boylston Street, Warwick, RI, for a request for a dimensional variance to construct a 20' x 24' family room and home office addition, proposed addition having less than required front yard setback, northwesterly side of Boylston (45) Street, Warwick, RI, Assessor's Plat 379, Lot 193, zoned Residential A-7.

Nathan Nava and Corin Nava, owners of the property, were present and were sworn in by the Chairman.

The applicants are seeking a variance to construct a 20 x 24 addition to be used as a family room and move his home office into the addition.

The home office is strictly telephone and telecom use, no customers coming to the property.

The Chairman indicated this is a reasonable request and asked if there was anyone in opposition or in favor of the petition. There being none, Mark McKenney stated that this is a reasonable request and seems to fit in with the surrounding area and due to the existing configuration of the lot seems to be the best location of the proposed addition and moved to grant this variance, which was seconded by Julie Finn and passed unanimously by the Board that the petition be GRANTED.

Petition #10392

Ward 1

309 Spring Green Road

The petition of Gregory Martin, 309 Spring Green Road, Warwick, RI, for a request for a dimensional variance to store a boat and camping trailer on subject property during the periods of inactivity, having less than required front yard and side yard setbacks, westerly side of Spring Green (309), Warwick, RI, Assessor's Plat 306, Lot 47, zoned Residential A-10.

Richard Crenca from the Planning Department had one comment to the Board indicating that the Department of Public Works, Engineering Division, wanted him to make the Board aware that they will not approve any intrusion onto the City right of way. From the site plan presented, it's difficult to determine where that is. In looking at the site plan, it references that the boat and camper are 3 feet from the street. If that's the edge of the asphalt then based on the site plan it is a strong possibility that the boat and camper would intrude into the right of way. So either a survey is going to be required, or the applicant can testify as to where the property is. This Board can obviously not allow or pass any judgment over something intruding in to the right of way, but can obviously make a decision on the setback from the property line.

Gregory Martin, owner of the property, was present.

The applicant indicated the camper is 19 ft. long and the boat is 30 ft. long. The measurements were taken by the applicant himself, and are drawn to scale. Mr. Martin stated that the measurement is to the pavement.

The applicant advised the board that the boat is currently located at a marina, and has it listed for sale.

After further discussion, it was recommended to the applicant that he obtain a survey of the property to determine exact location of the property line. Everett O'Donnell made a motion to continue this petition until the applicant obtains a survey of the property, seconded by Paul Wyrostek and passed unanimously by the Board that the petition be CONTINUED until a survey is obtained.

The Chairman entertained a motion to adjourn the hearing. A motion was made by Everett O'Donnell, seconded by Mark McKenney and passed unanimously by the Board that the meeting be adjourned. The meeting was adjourned at 7:40 P.M.

BY ORDER OF THE ZONING BOARD OF REVIEW, WARWICK, RHODE ISLAND

Donald G. Morash, Jr., Chairman